

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00253-M

EPHRAIM DEMONS,

Plaintiff,

v.

DEPARTMENT OF VETERANS
AFFAIRS, et al,

Defendants.

ORDER

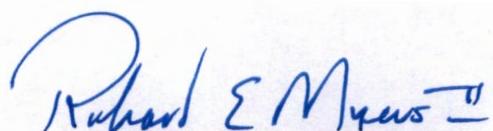
This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Robert T. Numbers, II in this case on April 17, 2024 [DE 33]. In the Recommendation, Judge Numbers recommends that the court grant Defendants’ motions to dismiss, deny Plaintiff’s motion to add a defendant as moot, and deny Plaintiff’s motion to reinstate Defendant VA. DE 33 at 1, 6-9. The Recommendation, along with instructions and a deadline for filing objections, was served on the parties on April 17. *See id.* at 9. Neither party objected to the Recommendation. *See* Docket Entries dated April 17, 2024, to present.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear

error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Numbers as its own. For the reasons stated therein, Defendants motions to dismiss [DE 21; DE 25] are GRANTED, Plaintiff's motion to add a defendant [DE 29] is DENIED AS MOOT, Plaintiff's motion to reinstate Defendant VA [DE 30] is DENIED, and the Complaint [DE 1] is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED this 22^d day of May, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE